

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

BILLY ZUMSTEIN

v.

UNITED STATES OF AMERICA

)  
)  
)  
)  
)  
)

No. 1:07-cr-63/1:14-cv-198

*Judge Curtis L. Collier*

**MEMORANDUM**

Federal prisoner Billy Zumstein (“Zumstein”) filed for post-conviction relief pursuant to 28 U.S.C. § 2255 on December 4, 2008 (Criminal Court File No. 37).<sup>1</sup> The Court denied relief on February 17, 2011, finding Zumstein’s sentence was not in violation of the Constitution or laws of the United States (Criminal Court File Nos. 42 & 43). Zumstein, by and through Attorney Gianna Maio, filed a second § 2255 motion, on June 20, 2014, attacking the same conviction (Criminal Court File No. 48).

In accordance with the “Antiterrorism and Effective Death Penalty Act of 1996,” effective April 24, 1996, Zumstein cannot file a second or successive § 2255 motion in the District Court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the District Court to consider the motion. This Court has not received an order from the Sixth Circuit authorizing it to consider the pending motion.

Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** this action to the United States Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. § 1631 and **CLOSE** the case (Criminal Court File No. 48). *See Sims v. Terbush*, 111 F.3d 45, 47 (6th Cir. 1997).

An appropriate order will enter.

---

<sup>1</sup> Each document will be identified by the Court File Number assigned to it in the underlying criminal case.

/s/  
**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**